IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

Crl.MC.No. 4008 of 2006()

---

CC.205/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD

.....

PETITIONER: 1ST ACCUSED

---

M.NARAYANAN, S/O.MANAPILLY,
AGED 44, KINNASSERY,
KANNADY, PALAKKAD.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA

RESPONDENTS: COMPLAINANT

---

STATE OF KERALA, (C.I OF POLICE,
TOWN SOUTH POLICE STATION, PALAKKAD),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J.**

**----------**

**Crl.M.C.NO.4008 OF 2006**

**----------**

Dated this the 11th day of December, 2006.

**ORDER**

The petitioner is one of the accused who faces allegations under Sections 143, 147, 283, 188 & 341 read with 149 I.P.C. The crux of the allegations against the petitioner is that he along with the co-accused was member of an unlawful assembly of persons who indulged in culpable conduct obstructing the peaceful functioning of the Civil Station including the courts in violation of the orders passed by this Court prohibiting demonstrations within a stipulated distance of such offices.

2. I do not want to embark on a detailed consideration. Suffice it to say that I am certainly of the opinion that this is a fit case where the petitioner must appear before the learned Magistrate and seek relief of acquittal or discharge/stopping of further proceedings under Section 258 Cr.P.C. I do not find any reason to warrant or justify the invocation of the extraordinary inherent jurisdiction available to this Court under Section 482 Cr.P.C.

3. This Crl.M.C is ,in these circumstances dismissed. But I make it clear that the dismissal of this Crl.M.C will in no way

fetter the rights of the petitioner to claim acquittal or earlier stopping of proceedings under Section 258 Cr.P.C. Such request/prayer will have to be considered by the learned Magistrate on merits and expeditiously.

**R.BASANT**
**JUDGE**

rtr/